

Media Captioning Services
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February 6, 2014

Ms. Marlene H Dortch
Secretary
Federal Communications Commission
445 12th St, S.W.
Washington, D.C. 20554

Re: Docket no 05-231, Closed Captioning

Dear Ms. Dortch:

On February 5, 2014, Media Captioning Services met via telephonic conference with members of the FCC to discuss issues of concern raised in its Ex Parte filing February 2, 2014 by Richard Pettinato, Exec,VP of Media Captioning Services (MCS). In attendance representing MCS were Patricia Ferrier, President, and Richard Pettinato, Exec VP. The FCC was represented by the following staff: Karen Strauss, Deputy Bureau Chief, CGB, Kris Monteith, Acting Chief, CGB, Greg Hlibok, Chief Disability Rights Office, CGB, Aaron Garza, Legal Advisor, CGB, Suzy Rosen Singleton, Disability Rights Office, CGB, Eliot Greenwald, Disability Rights Office, CGB, Caitlin Vogus, Disability Rights Office, CGB, Diana Sokolow, Media Bureau (by teleconference), and Steve Broeckert, Media Bureau (by teleconference)

Karen Strauss began the meeting noting that the forthcoming Report draws on over 10 years of comments reviewed by the Commission on this matter. MCS's concern that specific Certifications as discussed by the NCRA would be a requirement for caption vendors was addressed by Karen Strauss, who noted that no certification requirement would be noted in the Report. MCS had expressed in a previous Ex Parte Communication by Richard Pettinato that Certification (i.e., by NCRA) was not the metric by which an individual should be deemed capable of providing high quality, real- time captioning on broadcast television. In addition, Karen Strauss noted that the Report was technology agnostic, i.e., no preference between steno or voice was the position of the FCC in this Report. We agree with the FCC's position on this matter and appreciate the consideration and clarification of our concerns.

Karen Strauss noted that any standards developed would be based on qualitative considerations. Specific metrics the FCC would consider would be accuracy, completeness, synchronicity, and placement of captions. We agree these are appropriate metrics by which to measure the quality of real- time captioning. Karen Strauss then mentioned video programmer best practices which would be included in the Report, noting best practices developed by broadcasters and cable providers that would apply to video programmers, video distributors, addressing issues such as monitoring of captions, and delivery of information to vendors in advance of programming. The Report will also address criteria for caption vendors, hiring, training, company quality standards. It was not clear upon review of our notes

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as to whether that would be part of video programmers' best practices, or addressed separately in this Report.

Eliot Greenwald referenced an Ex Parte filing by NCI and three other companies. MCS had not seen this posting of the Ex Parte communication dated January 10, 2014 addressing best practices by caption vendors, and Eliot noted the FCC would send us a link to obtain the document.

We will provide our response to this document in a follow-up Ex Parte Document.


MCS raised another concern regarding a proposed requirement that captioning of refeeds or rebroadcasted video programming content originally real-time captioned, be required to be captioned using offline captioning techniques. We expressed the concern that this offline requirement would have a disproportionate impact on video programmers in the educational and public affairs broadcasting segment of the market. These entities, which do not have subscription or advertising based income to supplement their budgets, would be forced to reduce further their rate paid for closed captioning, reduce the number of live events closed captioned, or both. Bottom line, accessibility to the consumer for vitally important public affairs and educational programming would be reduced or eliminated if an offline captioning requirement for rebroadcasts of programming originally captioned using the real-time method were required.

In addition, there are major video programmers who are already at or exceeding the threshold of 2 percent of gross revenues, which is the threshold limit that could enable a video programmer to file an undue burden exemption, reduce their captioned programming, or both. Eliot Greenwald asked if live display or alternative technologies could be used. We indicated yes, but there would still be an additional cost. Greg Hlibok asked for clarification of our position, and we noted that our position is we do not agree video programmers should be required to use offline captioning for refeeds or rebroadcasts of programming originally captioned using real time methods.

We would offer another approach for additional consideration by the FCC on the matter of captioning rebroadcast or refeeds. Refeeds or rebroadcasts of video programming originally broadcast live, and captioned in real time, can be captioned using real-time captioning, provided the rebroadcast meets the FCC quality standard for real-time. If there is a technical issue affecting the quality of captioning in the original broadcast, it should remain within the discretion of the video programmer to determine which method to use on the rebroadcast to meet the quality requirement.

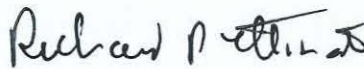
We look forward to providing you additional input prior to your final Rulemaking under Docket 05-231.

Patricia Ferrier, President



Media Captioning Services

Richard Pettinato, Exec VP



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